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AMENDMENT TO THE DRAWINGS

The attached four sheets of drawings includes changes to Figs. 1, 2, 4, and 5. These sheets, which includes Figs. 1, 2, 4, and 5, respectively, replace the original sheets including Figs. 1, 2, 4, and 5.

Attachment: Replacement Sheets

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REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional claim fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is less than originally filed. A Petition for a one-month extension of time is enclosed.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

Amendment to the Drawings

Figs. 1 and 2 have been amended to include a representation of the actuating device. Figs. 4 and 5 have been amended to include a representation of the displacement device. Support for this Amendment can be found at pages 9 and 10 of Applicants' Substitute Specification. No new matter has been added.

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Amendment to the Specification

The Substitute Specification has been amended to add element reference numbers in view of the amended drawings.

Amendment to the Claims

Claim 1 has been amended for clarity and to recite that the actuating unit positions the tool changer along the center longitudinal axis of the milling roller. Support for this Amendment can be found at page 9, last paragraph, of Applicants' Substitute Specification.

Claim 2 has been amended for clarity and to recite that the dynamic pulse is imparted in a direction opposite the removal direction of the chisel. Support for this Amendment can be found at page 4, last paragraph of Applicants' Substitute Specification.

Claims 6-8, 13, and 23-26 have been amended for clarity. Claims 9, 15-19, and 28-31 have been canceled, without prejudice.

No new matter has been added to the claims by this Amendment.

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Drawing Objections

The figures have been amended to illustrate an actuating unit and a displacement device. The imparted dynamic pulse is illustrated in FIG. 4, by the pulse generator 50 contacting contact face 52. The remaining features discussed on pages 2 and 3 have been amended or canceled from the claims.

Claim Rejections - 35 U.S.C. §112

Claims 1-3, 5-20, and 22-31 have been rejected under 35 U.S.C. §112, for being generally narrative. Applicants believe the above Amendment overcomes this rejection by clarifying the claimed invention.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 2, 3, 5, and 10 under 35 U.S.C. §102(b) as anticipated by Leonard, U.S. Patent 4,329,766, is respectfully traversed.

In Leonard, the tool is brought into contact with the rear of the chisel and creates an outward force in the direction of the chisel removal (Fig. 2). Amended Claim 2 recites a dynamic pulse imparted in a direction opposite the removal direction of the chisel, which is not disclosed or suggested in Leonard.

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Favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1, 20, 22, 25, and 26 under 35 U.S.C. §103(a) as being unpatentable over Leonard, U.S. Patent 4,329,766, in view of Busley, U.S. Patent Publication 2004/0021364, is respectfully traversed.

The combination of Leonard and Busley does not provide or reasonably suggest a tool changing device with a displacement device (positioning one of the milling roller and the chisel relative to at least one tool changer) and an actuating unit (positioning the at least one tool changer relative to the chisel along a center longitudinal axis of the milling roller), as in amended independent Claim 1.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Leonard, U.S. Patent 4,329,766, is respectfully traversed. Claim 8 ultimately depends from amended Claim 2, and is patentable for at least the same reasons as Claim 2.

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The rejection of Claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Leonard, U.S. Patent 4,329,766, in view of EP 1013829, is respectfully traversed. EP 1013829 teaches an internal hammer axis 22 that rotates in a direction of the milling roll to impart additional force. EP 1013829 teaches a device and purpose that is directly opposite of Applicants' claimed invention, and thus the combination would not have rendered Applicants' invention obvious.

The rejection of Claim 13 under 35 U.S.C. §103(a) as being unpatentable over Leonard, U.S. Patent 4,329,766 and EP 1013829 in view of Busley, U.S. Patent Publication 2004/0021364, is respectfully traversed. Claim 13 ultimately depends from Claims 11 and 2, discussed above, and is thus patentable for at least the same reasons discussed above.

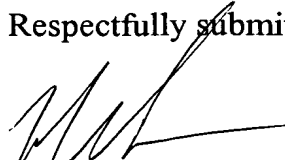
Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed or resolved in this response, the undersigned attorney again requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Swanson', with a long horizontal stroke extending to the right.

Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
(847) 490-1400
FAX (847) 490-1403